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Letter dated 6 August 2003 from the Permanent Representative of Italy to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement on the Ad Hoc Human Rights Tribunal for Crimes Committed in East Timor issued on 6 August 2003 by the Presidency of the European Union on behalf of the European Union (see annex).

I would be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Marcello **Spatafora**
Permanent Representative of Italy to the United Nations

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Annex to the letter dated 6 August 2003 from the Permanent Representative of Italy to the United Nations addressed to the Secretary-General

[Original: English and French]

Statement on the Ad Hoc Human Rights Tribunal for Crimes Committed in East Timor issued on 6 August 2003 by the Presidency of the European Union on behalf of the European Union

The European Union welcomes the establishment of the Ad Hoc Human Rights Tribunal for Crimes Committed in East Timor. This was a crucial first step in bringing to justice those persons responsible for human rights violations committed in East Timor in 1999, and was in accordance with the concerns of the United Nations Security Council.

However, the trials recently completed, with the last verdict delivered by the Ad Hoc Tribunal on 5 August, have failed to deliver justice and did not result in a substantiated account of the violence.

The European Union is disappointed that the prosecutors did not submit all the evidence, especially that referred to by United Nations investigators and the Indonesian National Commission on Human Rights in their reports, suggesting that elements of the military, police and civil government had allegedly funded, trained and abetted local militia groups. Besides, no officials from United Nations Mission in East Timor (UNAMET), or members of independent observer missions, and only a few "victim witnesses" from Timor-Leste, were called to testify by the prosecutors.

These deficiencies in the process have jeopardized the credibility of the verdicts, which were disproportionate to the seriousness of the crimes committed.

The European Union would like to underline that ensuring the accountability of all perpetrators of serious human rights violations would enhance trust in the judiciary and contribute to reconciliation. That is why it is of paramount importance that the Indonesian judicial authorities ensure that the appeal process is conducted in a manner consistent with international legal standards and that the appeal judgements are set out in accordance with the principle of transparency.

The European Union also urges the Indonesian Government to implement the recommendations made on reforming the judicial system contained in the report by the United Nations Special Rapporteur on the independence of judges and lawyers. At the same time, the European Union encourages the relevant authorities to take the necessary steps to improve proceedings for future trials of cases involving human rights violations, such as the Tanjung Priok cases.

The European Union regrets that the Sander Thoenes case was not brought before the Ad Hoc Tribunal, and reiterates once again the urgency of bringing the perpetrators of his murder to justice without further delay and in accordance with international standards.

The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, the associated countries Bulgaria and Romania, and the European Free Trade Association countries Iceland, Liechtenstein and Norway, members of the European Economic Area, align themselves with this statement.